

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Case No. 06-20173

Plaintiff,  
v.  
DISTRICT JUDGE  
ARTHUR J. TARNOV

1) RICHARD G. CONVERTINO,

and

2) HARRY RAYMOND SMITH, III,

Defendants.

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**ORDER DENYING DEFENDANT CONVERTINO'S MOTIONS TO  
DISMISS [DE 72 and 98] AND TO CONTINUE TRIAL [DE 81],  
AND GRANTING DEFENDANT CONVERTINO'S MOTION [DE 71];  
DENYING DEFENDANT SMITH'S MOTION TO DISMISS [DE 67],  
GRANTING DEFENDANT SMITH'S MOTION FOR AN EVIDENTIARY  
HEARING [DE 69], AND GRANTING IN PART DEFENDANT SMITH'S  
MOTION TO SEVER [DE 70]; AND  
GRANTING GOVERNMENT'S MOTION TO BAR EVIDENCE [DE 65],  
AND GRANTING IN PART AND DENYING IN PART GOVERNMENT'S  
MOTION TO INTRODUCE OTHER ACTS EVIDENCE [DE 74]**

Before the Court are the following motions, on which oral argument was heard  
Monday, August 27, 2007.

- Defendant Convertino's Motion to Dismiss Counts I - IV [DE 72 and 98],
- the Government's Motion to bar evidence or argument on selective prosecution [DE 65],
- the Government's Motion to deny hybrid representation [DE 66],

- Defendant Convertino's Motion for non-public disclosure of other acts evidence [DE 71],
- the Government's Motion to introduce other acts evidence [DE 74],
- Defendant Convertino's Motion to continue the trial date [DE 81],
- Defendant Smith's Motion to Dismiss obstruction of justice charges [DE 67],
- Defendant Smith's Motion to compel the Government to produce exculpatory Jordanian witnesses [DE 68],
- Defendant Smith's Motion for an evidentiary hearing on Government interference with witnesses [DE 69], and
- Defendant Smith's Motion to sever [DE 70].

The Court has reserved ruling on the Government's Motion to deny hybrid representation [DE 66], and Defendant Smith's Motion to compel the Government to produce Jordanian witnesses [DE 68]. However, for the reasons stated on the record at the hearing,

**IT IS HEREBY ORDERED** that Defendant Convertino's Motion to Dismiss Counts I - IV [DE 72 and 98] is DENIED.

**IT IS FURTHER ORDERED** that the Government's Motion to bar evidence or argument on selective prosecution [DE 65] is GRANTED.

**IT IS FURTHER ORDERED** that Defendant Convertino's Motion for non-public disclosure of other acts evidence [DE 71] is GRANTED.

**IT IS FURTHER ORDERED** that the Government's Motion to introduce other

acts evidence [DE 74] is GRANTED, as to the Lever matter, but DENIED as to all other matters.

IT IS FURTHER ORDERED that Defendant Convertino's Motion to continue the trial date [DE 81] is DENIED.

IT IS FURTHER ORDERED that Defendant Smith's Motion to Dismiss obstruction of justice charges [DE 67] is DENIED.

IT IS FURTHER ORDERED that Defendant Smith's Motion for an evidentiary hearing on Government interference with witnesses [DE 69] is GRANTED, in that witnesses will be interviewed following jury selection.

IT IS FURTHER ORDERED that Defendant Smith's Motion to sever [DE 70] is GRANTED in part, as Count IV of the indictment is severed.

SO ORDERED.

S/ARTHUR J. TARNOW  
Arthur J. Tarnow  
United States District Judge

Dated: September 10, 2007

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 10, 2007, by electronic and/or ordinary mail.

S/THERESA E. TAYLOR  
Case Manager

*United States v. Convertino, et al.*  
Case No. 06-20173